

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

BLAKE HIGGINS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-CV-090-JHP-TLW
)	
STATE AUTO PROPERTY &)	
CASUALTY INSURANCE)	
COMPANY,)	
)	
Defendant.)	

**DEFENDANT STATE AUTO PROPERTY & CASUALTY
INSURANCE COMPANY'S OBJECTIONS TO PLAINTIFF'S DESIGNATIONS**
(BRIAN J. BLAUW)

Defendant State Auto Property & Casualty Insurance Company ("STATE AUTO") submits its Objections to Plaintiff's Designations of the Deposition of Brian Blauw, pursuant to this Court's Order at the pretrial conference conducted on May 31, 2012. Counsel for STATE AUTO believes that they fulfilled their duty to meet and confer, in a good faith effort to resolve disputes pursuant to LCvR 30.1, but were unable to reach an agreement. STATE AUTO requests that this Court exclude the testimony based on the specific objections contained herein, but subject to this Court's rulings on the pending Motions in Limine.

Testimony Designated by <u>Plaintiff</u>	<u>Objections</u>
8:2-4, 6	Calls for speculation; Opinion without personal knowledge; Ambiguous/vague; Foundation; Lack of knowledge
10:19-21, 23-25, 11:1	No question; Calls for narrative; Ambiguous/vague; Foundation; Relevance
11:5-7, 8, 10	Argumentative; Relevance; Foundation; Prejudicial

13:23-25, 14:2-3	Relevance; Foundation; Prejudicial
16:17-21, 23	Argumentative; Leading; Relevance; Foundation; Mischaracterizes prior testimony; Unintelligible
16:25,17:1-2, 4-7	Relevance; Foundation; Calls for narrative; No question posed
17:13-15, 17	Leading; Argumentative; Relevance; Foundation; Assumes facts not in evidence; Prejudicial
17:19-22, 24-25, 18:1-4	Mischaracterizes prior testimony; Argumentative; Leading; Relevance; Foundation; Prejudicial
18:18-20, 22	Lack of recall/knowledge; Relevance; Foundation; Ambiguous/vague
18:24-25, 19:1	Lack of recall/knowledge; Relevance; Foundation; Ambiguous/vague
22:16-17, 18	Foundation; Relevance; Assumes facts not in evidence
23:12-14, 17-19	Calls for narrative; Vague/ambiguous; Foundation
25:22-24, 26:2-6	Relevance; Foundation; Vague/ambiguous
26:15-16, 18-22	Calls for legal conclusion; Foundation; Vague/ambiguous
27:15-17, 19-23	Foundation; Vague/ambiguous; Calls for narrative; Asked and answered
28:9-12, 14-20	Calls for speculation; Opinion without personal knowledge; Vague/ambiguous; Foundation
28:22-23, 25, 29:1-3	Leading; Argumentative; Assumes facts not in evidence; Foundation; Lack of knowledge/recall
29:20-22, 24-25, 30:1-2	Argumentative; Relevance; Foundation; Ambiguous/vague
30:4-5, 6	Argumentative; Relevance; Foundation; Lack of knowledge
30:16-18, 20	Mischaracterizes prior testimony; Argumentative; Leading; Prejudicial
31:3-5, 7-10	Calls for narrative; Leading; Foundation; Ambiguous/vague
34:17-19, 21	Relevance; Foundation; Ambiguous/vague
35:6-9, 11-18	Argumentative; Leading; Foundation; Relevance; Prejudicial

35:20-22, 23-25, 36:1	Foundation; Relevance; Ambiguous/vague; Prejudicial
36:8-9, 11	Argumentative; Leading; Calls for legal conclusion; Calls for speculation; Calls for opinion without personal knowledge
37:1-4, 6-8	Relevance; Foundation; Calls for speculation; Calls for pinion without personal knowledge; Ambiguous; Prejudicial
37:22-24, 38:1	Foundation; Relevance
39:17, 19-20	Foundation; Relevance
43:10-12, 14	Foundation; Relevance; Assumes facts not in evidence
44:3-4 , 7-9	Foundation; Relevance; Calls for speculation; Calls for opinion without personal knowledge; Lack of knowledge
45:9, 11	Leading; Argumentative; Relevance; Foundation; Assumes facts not in evidence
50:19-22, 24	Foundation; Relevance; Lack of knowledge; Vague/ambiguous
51:7-9. 11-12	Foundation; Relevance; Vague/ambiguous
52:7-9, 11-17	Calls for speculation; Relevance; Leading
52:19-22, 24	Argumentative; Leading; Relevance; Foundation
53:4, 6	Relevance; Calls for speculation; Calls for opinion without personal knowledge; Foundation
53:8-9, 11-14	Relevance; Foundation; Calls for speculation
53:16-17, 18, 22-23	Foundation; Vague/ambiguous; Calls for speculation
53:25,54:1-2, 5-6	Mischaracterizes prior testimony; Relevance; Foundation; Lack of recall; Leading; Argumentative
56:9-10, 12-13	Assumes facts not in evidence; Argumentative; Leading; Foundation; Relevance
56:15, 17-18	Asked and answered; Foundation; Relevance
57:4-6, 8	Foundation; Relevance; Argumentative; Leading; Prejudicial
57:24-25, 58:1, 3-7	Foundation; Relevance; Vague/ambiguous

58:9-10, 12	Leading; Argumentative; Foundation; Asked and answered; Relevance
58:14-16, 18	Foundation; Relevance
59:18-19, 22	Calls for speculation; Opinion without personal knowledge; Lack of knowledge; Foundation; Relevance
59:24-25, 60:2-5	Argumentative; Leading; Relevance; Foundation; Assumes facts not in evidence
60:12-13, 15-17	Asked and answered; Lack of knowledge; Foundation; Relevance; Vague/ambiguous
60:19-22, 24-25, 6:1	Calls for speculation; Narrative; Asked and answered; Opinion without personal knowledge; Foundation; Relevance; Lack of knowledge
61:3, 5	Mischaracterizes prior testimony; Relevance; Foundation; Argumentative; Prejudicial
61:12, 14	Foundation; Relevance; Calls for speculation; Prejudicial
61:19-21	Foundation; Relevance; Assumes facts not in evidence; Argumentative; No question posed
62:1-4, 6	Foundation; Relevance; Prejudicial
64:24-25, 65:1-3, 5	Argumentative; Vague/ambiguous; Asked and answered
65:25, 66:2, 10-13	Argumentative; Leading; Foundation; Relevance
68:21-24, 25	Foundation; Ambiguous/vague; Relevance
69:10-13, 15-20	No question posed; Calls for narrative; Relevance; Lack of recall/knowledge; Asked and answered
69:25, 70:1-3, 5	Foundation; Relevance; Calls for speculation; Vague/ambiguous
72:8-10, 12	Foundation; Relevance
74:2-5, 7	Leading; Argumentative; Foundation; Relevance; Assumes facts not in evidence
74:9-10, 12	Calls for speculation; Foundation; Relevance; Prejudicial
75:3-5, 7-9	Relevance; Foundation; Vague/ambiguous
75:11-13, 15-22	Lack of knowledge/ recall; Calls for speculation; Calls for opinion without personal knowledge; Vague; Foundation; Relevance; Prejudicial

76:14-15, 17-21	Relevance; Foundation; Vague/ambiguous; Lack of personal knowledge
77:24, 78:1	Relevance; Foundation
78:5-8, 10	Leading; Relevance; Foundation
78:12-14, 16	Relevance; Foundation; Prejudicial
78:18-19, 20	Argumentative; Leading; Relevance; Foundation
80:6-7, 9-11	Relevance; Foundation; Vague/ambiguous; Lack of knowledge/recall; Prejudicial
80:19-20, 21	Leading; Argumentative; Foundation; Relevance; Calls for speculation
80:25, 81:1	Leading; Argumentative; Relevance; Prejudicial
81:13-14, 16	Foundation; Relevance; Vague/ambiguous
81:22, 24	Foundation; Relevance
82:6-8, 10	Argumentative; Leading; Foundation; Relevance
82:12, 14	Calls for speculation; Calls for opinion without personal knowledge; Foundation; Relevance; Prejudicial
82:16-17, 19-20	Foundation; Relevance; Lack of knowledge/recall; Prejudicial
82:22, 24	Asked and answered; Relevance; Prejudicial
83:4, 6-11	Foundation; Relevance; Lack of knowledge/recall; Prejudicial

Respectfully submitted,

ROBINETT & MURPHY

By: /s/ Pansy Moore-Shrier
 Lawrence R. Murphy, Jr., OBA No. 17681
 Pansy Moore-Shrier, OBA No. 20289
 Mariann M. Atkins, OBA No. 30475
 624 South Boston Avenue, Suite 900
 Tulsa, Oklahoma 74119
 (918) 592-3699
 (918) 592-0963 (*facsimile*)

*Attorneys for Defendant State Auto Property &
 Casualty Insurance Company*

Certificate of Service

I hereby certify that on June 5, 2012, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Richard S. Toon, Esq.
Richtoon@toonosmond.com

Cyrus N. Lawyer, Esp.
Natelawyer@toonosmond.com

Brian J. Goree, Esq.
Briangoree@toonosmond.com

/s/ Pansy Moore-Shrier
Pansy Moore-Shrier